

ENTERED

August 02, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MIGUEL HINOJOSA,
Petitioner,

VS.

LORIE DAVIS,
Respondent.

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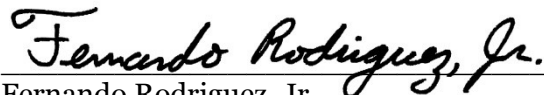
CIVIL NO. B-17-243

ORDER

On April 12, 2018, the United States Magistrate Judge filed a Report and Recommendation in this matter (Doc. No. 24). The District Court granted the Petitioner's request for additional time to file objections, allowing him until July 27, 2018 (Doc. No. 38). The Petitioner then filed timely objections to the Report and Recommendation, which this Court now considers.

Having considered *de novo* the Magistrate Judge's Report and Recommendation and the issues raised by Petitioner's objections, the Court hereby adopts the Report and Recommendation. Therefore, Petitioner Hinojosa's Petition for a *Writ of Habeas Corpus* by a person in state custody pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is dismissed without prejudice for lack of jurisdiction. In the alternative, if jurisdiction otherwise existed to consider Mr. Hinojosa's petition, it is dismissed as untimely filed. Respondent Lorie Davis' Motion for Summary Judgment (Doc. No. 21) is denied as moot. The issuance of a Certificate of Appealability is denied.

SIGNED this 2nd day of August, 2018.


Fernando Rodriguez, Jr.
United States District Judge